

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 326 OF 1995

The State of Maharashtra ..Appellants

versus

1. Kashinath Krishna Mhatre

2. Jayram Datto Mhatre

3. Tulsabai Datto Mhatre ..Respondents

Mr. B. R. Patil for the Appellants.

None for the Respondents.

CORAM : D. G. DESHPANDE, J.

DATE : 19TH JANUARY, 2005

ORAL ORDER :

1. Heard learned AGP for the Appellants - State. Respondents are served. Nobody is present for them.

2. This appeal is filed by the State challenging compensation awarded by the Joint District Judge, Thane, vide Judgment dated 18.6.1991 at Rs.10/- per square meter.

3. Land acquired was from village Gothivali.

Notification under Section 4 was dated 4.2.1970. Notification under Section 6 was dated 5.10.1972. Date of the Award is 21.5.1986. Area acquired was 11,406 sq. metres. SLAO granted compensation at Rs.1.50 and Rs.4.20 per square metre. Claimants claimed enhancement in the Reference at about Rs.20/- per square meter, the lower court awarded Rs.10/- per square metre.

4. Even after hearing the learned AGP this does not appear to be a case for reduction because in paragraph 11 of its judgment the lower court has relied upon the judgment delivered in LAR No.111 of 1986 Exhibit 15 by the same court in respect of other land at Gothivali, wherein the compensation was granted at Rs.10/- per square meter. This land is also situate at Gothivali. Nothing is brought on record in the cross examination that the judgment in LAR 111 of 1986 could not be made applicable. On similar grounds i.e. because the land was situate at Gothivali and same LAR No. 111 of 1986 was taken as the basis, I had dismissed one Appeal of the State earlier by my order dated 17.1.2005 being First appeal No. 1132 of 1994.

5. It is undoubtedly true that the compensation granted by SLAO was nothing but a pittance and therefore no interference is called for. Appeal is dismissed. No order as to costs.

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19.1.2005

(D.G. DESHPANDE, J.)